

9 Official Opinions of the Compliance Board 178 (2014)

◆ **2 (A) FAILURE TO PROVIDE NOTICE: VIOLATION**

◆ **3 (C) MEETING WITHOUT NOTICE: OPENNESS REQUIREMENT
VIOLATED**

*Topic numbers and headings correspond to those in the Opinions Index (2014 edition) at
http://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Topical_Index.pdf

December 10, 2014

Re: Board of Commissioners of the
Housing Authority of Prince George's County
David Prater and Sabina Wear, Complainants

Complainants David Prater and Sabina Wear allege that the Board of Commissioners of the Housing Authority of Prince George's County ("Board") violated the Open Meetings Act by meeting on August 14, 2014, without notice to the public that it would meet.

Complainants allege further that the Board kept minutes of the August 14 meeting, that the minutes show that the members approved a budget and a contract, and that those actions fell within the functions that must be performed in a public meeting. Complainants state that they had attended the Board's regularly-scheduled July meeting, that the Board usually does not meet in August, and that the July agenda contained a notice that "the next Board meeting will be held on Monday September 22, 2014." Finally, they state, the online calendar on the Housing Authority's website did not list a meeting for August 14.

The Authority's executive director, responding for the Board, states, with the Board's apologies, that the Board indeed met on August 14 without providing notice to the public, that the Board had called the meeting as a "special" meeting to address items not completed at its prior regular meeting, and that its "failure to publish a notice of this meeting was an inadvertent administrative error by [the Housing Authority], not an intentional act or an effort to conduct the board's business without public notice or scrutiny." He further states that the notice system that the Authority had in place for the Board's regular meetings "did not contemplate" a specially-scheduled meeting and that the Authority has now developed a timeline and checklist for staff to follow. The Authority has now designated staff to take the training on the requirements of the Act.

The Act requires public bodies to hold their meetings “in open session” unless the Act expressly provides otherwise. Before meeting, a public body must “give reasonable advance notice.” §§ 3-301, 3-302.¹ As the executive director has acknowledged, the Board violated the notice requirement. By failing to give notice, it also effectively violated the open meeting requirement, because, as we have long stated, a meeting held without notice to the public is not an open meeting. *See, e.g., 8 OMCB Opinions 76, 79 (2012).*

Open Meetings Compliance Board

Monica J. Johnson, Esquire
Wanda Martinez, Esquire

¹ These references are to the General Provisions Article of the Maryland Code. The Act is posted at http://www.oag.state.md.us/Opengov/Openmeetings/10_1_14_OPEN_MEETINGS_ACT.pdf.